

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDREW PHILLIP DURAN,

No. C 06-6618 SI (pr)

Plaintiff,

ORDER OF TRANSFER

v.


JOHN DOVEY; et al.,

Defendants.

Andrew Phillip Duran filed this civil rights action under 42 U.S.C. § 1983, complaining of acts and omissions that occurred at Deuel Vocational Institution ("DVI") in Tracy. Although he currently is in the administrative segregation unit at Pelican Bay State Prison, the gang validation decision of which he complains was made while he was housed at DVI, and he even began his inmate appeals while housed at DVI. See Complaint, Exh. 9. DVI is in San Joaquin County, within the venue of the Eastern District of California. Defendants also apparently reside in the Eastern District of California. Venue therefore properly lies in that district and not in this one. See 28 U.S.C. § 1391(b). Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is TRANSFERRED to the United States District Court for the Eastern District of California. The court has not ruled on any pending motions. The clerk shall transfer this matter.

IT IS SO ORDERED.

Dated: December 18, 2006


SUSAN ILLSTON
United States District Judge